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Attorneys for OneWest Bank, FSB, and

Mortgage Electronic Registration Systems, Inc.

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

TAMMIE M. DELANEY and MICHAEL E.

DELANEY, her husband,

Plaintiffs,

v.

ONE WEST BANK, FSB, a California banking corporation; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., a Delaware corporation; and REGIONAL TRUSTEE SERVICES, a Washington corporation,

Defendants.

Case No. 3:10-CV-977-KI

MOTION TO DISMISS

BY DEFENDANTS ONE WEST BANK,  
FSB, AND MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.

Oral Argument Requested

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Defendants OneWest Bank, FSB, and Mortgage Electronic Registration Systems, Inc.

(collectively, the “moving defendants”), hereby move to dismiss plaintiffs’ claims against them,

for failure to state a claim. Fed. R. Civ. P. 12(b)(6). Pursuant to LR 7-1, the undersigned

certifies that counsel for the moving defendants has made a good faith effort to resolve the

dispute through telephone conference with plaintiffs' counsel, but has been unable to do so.

Dated: August 25, 2010.

LARKINS VACURA LLP

/s/ William L. Larkins, Jr.

William L. Larkins, Jr. OSB #812882

Danielle Hunsaker OSB #045365

Cody Hoesly OSB #052860

Attorneys for OneWest Bank, FSB, and

Mortgage Electronic Registration Systems, Inc.

**CERTIFICATE OF SERVICE**

I certify that I served the foregoing **MOTION TO DISMISS** on August 25, 2010, by causing to be electronically mailed via ECF to:

PLEASE SEE ATTACHED LIST

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 25, 2010, at Portland, Oregon.

LARKINS VACURA LLP

/s/ William L. Larkins, Jr.

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Danielle Hunsaker OSB #045365

Cody Hoesly OSB #052860

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